

# **CITY COUNCIL AGENDA**

**AUGUST 7, 2007**

**AMENDED AGENDA**

PETE CONSTANT  
FORREST WILLIAMS  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
DAVID D CORTESE, VICE MAYOR  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
  - 9:30 a.m. - Closed Session, Call to Order in Council Chambers  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
[See Separate Agenda](#)
  - 1:30 p.m. - Regular Session, Council Chambers, City Hall
  - 3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting  
(no earlier than 3:30 p.m.)
- **Invocation (District 7)**  
Pastor Dam Nhat from Duc Vien Temple
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY BOARD SESSION.**

ADJOURNMENT: This meeting will be adjourned in memory of Robert J. Causor, a graduate of Overfelt High School recently killed in Iraq. (Campos)

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- **Closed Session Report**

## 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a proclamation declaring August 7<sup>th</sup>, 2007 as National Night Out in the City of San José. (Constant)
- 1.2 Presentation of a commendation to Lillian Woodward for her compassion and service towards the elderly as a home care worker in the City of San José. (Pyle/Williams)
- 1.3 Presentation of commendations to Aaron Morrow and Karl Vidt for their outstanding dedication to the City of San José and years of involvement and service on the Disability Advisory Commission. (Pyle/Nguyen/Liccardo)
- 1.4 Presentation of a commendation to the Recycle Plus Transition Team for their outstanding efforts and dedication. (Mayor)
- 1.5 Acceptance of recognition of local leaders' support for the East Bay Leadership Foundation. (Constant)
- \* (Rules Committee referral 6/20/07)

## 2. CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

### 2.1 Approval of Minutes.

**Recommendation:** Approval of Minutes.

- (a) Regular Minutes of April 3, 2007
- (b) Regular Minutes of April 10, 2007
- (c) Regular Minutes of April 17, 2007
- (d) Joint City Council/Santa Clara Valley Water District Study Session Minutes on Water Quality Issues of April 20, 2007
- (e) Regular Minutes of April 24, 2007
- (f) Council Study Session Minutes on Evergreen East Hills Vision Strategy of April 30, 2007
- (g) Regular Minutes of May 1, 2007
- (h) Council Study Session Minutes on the General Plan Update of May 3, 2007
- (i) Regular Minutes of May 8, 2007
- (j) Regular Minutes of May 15, 2007
- (k) Regular Minutes of May 22, 2007
- (l) 2007-2008 Operating and Capital Budget; 2008-2012 Capital Improvement Program Study Session Minutes of May 7, 2007 through May 17, 2007

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.1 Approval of Minutes. (Cont'd.)

**Recommendation:** Approval of Minutes.

(m) Minutes of the San José Financing Authority of May 22, 2007

(n) Special Closed Session Minutes of May 29, 2007

(o) Special Closed Session Minutes of May 30, 2007

[Deferred from 6/26/07 – Item 2.1 (a)-(o)]

\* **RECOMMEND DEFERRAL OF ITEMS 2.1 (a), (d), (g), and (i) – (l) TO 8/14/07 PER CITY CLERK**

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

(a) ORD. NO. 28083 – Amending Section 18 of Ordinance No. 27712 to revise the transition provisions relating to domestic partners in the Police and Fire Department Retirement Plan.

### 2.3 Approval of City Manager Debra Figone's Travel to Sacramento, California.

**Recommendation:** Approval of City Manager Debra Figone's travel to Sacramento, California on September 5-7, 2007 to participate in the League of California Cities' Annual Conference. Source Funds: City Manager's Office. (City Manager's Office)

### 2.4 Approval of actions related to the Mayfair Community Center Public Art Project.

**Recommendation:**

(a) Approval of an agreement with Fernanda D'Agostino to fabricate and install artwork for the Mayfair Community Center in a total amount not to exceed \$195,400.

(b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Parks and Recreation Bond Projects Fund (Fund 471):

(1) Increase appropriation to the Office of Economic Development for the Public Art-Park and Recreation Bond Projects by \$141,000.

(2) Increase the Beginning Fund Balance estimate by \$141,000.

(c) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (Fund 450):

(1) Increase the appropriation to the Department of Public Works for the Mayfair Community Center project by \$64,000;

(2) Increase the Beginning Fund Balance estimate by \$64,000.

*(Item continued on the next page)*

## 2. CONSENT CALENDAR

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### 2.4 Approval of actions related to the Mayfair Community Center Public Art Project. (Cont'd.)

**Recommendation:**

- (d) Adoption of the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):
- (1) Establish an appropriation to the Office of Economic Development in the amount of \$10,000 for the Mayfair Community Center Public Art project;
  - (2) Decrease the appropriation to the Office of Economic Development for the Plata Arroyo Skate Park Development Public Art project by \$8,000; and
  - (3) Decrease the appropriation to the Office of Economic Development for the Children of the Rainbow Park Renovation Public Art project by \$2,000.

CEQA: Exempt, File No. PP05-184. (City Manager's Office/Economic Development)

**RECOMMEND DEFERRAL TO 8/14/07 PER COUNCIL DISTRICT 5**

### 2.5 [Approval of actions related to the annexation of McKee No. 129.](#)

**Recommendation:** Adoption of a resolution initiating proceedings and setting August 21, 2007 at 1:30 p.m. for Council consideration on the reorganization of the territory designated as McKee No. 129 which involves the annexation to the City of San José of 0.82 acres more or less of land located at the southeast corner of North Capitol Avenue and Grandview Drive, and generally bounded by the City of San José Annexations McKee Nos. 9, 44 and 97, and the detachment of the same from the appropriate special districts including Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459, File No. C06-106. Council District 4. (Planning, Building and Code Enforcement)

### 2.6 [Approval for the Police and Fire Department Retirement Board to make real estate investments.](#)

**Recommendation:** Approval of an ordinance amending Section 3.36.550 of Chapter 3.36 of Title 3 of the San José Municipal Code to authorize the Board of Administration for the Police and Fire Department Retirement Plan to make real estate investments through Limited Liability Companies as title holding entities. CEQA: Not a Project. (Police and Fire Retirement Board)

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the Rules and Open Government Committee – May 23, 2007

Mayor Reed, Chair

- (a) City Council
  - (1) Review New Add Items to May 29, 2007 Agenda  
**NONE – MEETING CANCELED**
  - (2) Review June 5, 2007 Draft Agenda
    - (a) Add New Items to final agenda
      - (1) City Manager Compensation. (Mayor)  
**HEARD BY COUNCIL 6/5/07 – ITEM 3.10**
      - (2) Elections Commission Recommendation to Change Special Eligibility Requirement that One Member of the Elections Commission Be an Attorney at Law. (City Clerk)  
**HEARD BY COUNCIL 6/5/07 – ITEM 3.6**
      - (3) Vietnamese Business District Designation. (Nguyen/Mayor)  
**HEARD BY COUNCIL 6/5/07 – ITEM 9.1**
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
    - (a) AB 1252 (Caballero) – Housing Related Parks Program. (Housing)
    - (b) AB 1460 (Saldana) – Multifamily Housing Program. (Housing)
    - (c) SB 46 (Perata) – Proposition 1C Regional Planning, Housing, and Incentive Account. (Housing)
    - (d) SB 586 (Dutton) – Proposition 1C Innovation Fund. (Housing)  
**HEARD BY COUNCIL 6/5/07 – ITEM 3.8**
  - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Council Expenditures and Reimbursement Policy. (City Clerk/City Attorney/Finance)  
**Continued from May 16, 2007**
  - (2) Approve the revised Commission/Liaison Code of Conduct Policy. (City Attorney)  
**HEARD BY COUNCIL 6/19/07 – ITEM 2.5**
  - (3) Response to the Macias Consulting Group’s Report on the Finance Department’s Investment Unit and the Finance Department’s Response. (City Auditor)
  - (4) Discussion of Cost Neutral Opportunities for a Public Safety Memorial at New City Hall with Direction to Implement Memorial and Process for Accepting Private Sponsorship. (Constant/Pyle)

*(Item continued on the next page)*

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.1 Report of the Rules and Open Government Committee – May 23, 2007 (Cont'd.) Mayor Reed, Chair**

- (h) Review of Council Committee Agendas
    - (1) Community and Economic Development Committee
    - (2) Neighborhood Services and Education Committee
    - (3) Transportation and Environment Committee
    - (4) Public Safety, Finance and Strategic Support Committee
  - (i) Open Government Initiatives
    - (1) Reed Reforms
    - (2) Sunshine Reform Task Force
    - (3) Significant Public Records Act Requests
    - (4) Council Policy Manual Update
      - (a) Approval to Validate Selected Policies Contained in the City Council Policy Manual. (City Manager)
  - (j) Open Forum
  - (k) Adjournment
- (Deferred from 6/12/07 – Item 3.1, 6/19/07 – Item 3.1, and 6/26/07 – Item 3.9)

**HEARD BY COUNCIL 6/19/07 – ITEM 2.6 (a) – (c)**

#### **3.2 Report of the Rules and Open Government Committee – May 30, 2007 Mayor Reed, Chair**

- (a) City Council
    - (1) Review New Add Items to June 5, 2007 Agenda
    - (2) Review June 12, 2007 Draft Agenda
  - (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
  - (c) Legislative Update
    - (1) State
      - (a) SB 966 (Simitian and Kuehl) – Pharmaceutical Drug Disposal. (Environmental Services)
- HEARD BY COUNCIL 6/5/07 – ITEM 3.12**
- (2) Federal
  - (d) Meeting Schedules
    - (1) Council Meeting Schedule August 2007 – January 2008. (City Manager)
    - (2) (1) Review two proposed meeting formats as presented by the Independent Police Auditor and the Administration; (2) Approve one of the proposed formats, or a hybrid of the two proposals, for a Special Council Meeting scheduled on June 21, 2007, beginning at 6:00 p.m., in the City Council Chambers for consideration of various police related reports. (City Manager/Independent Police Auditor)
  - (e) The Public Record
  - (f) Appointments to Boards, Commissions and Committees
    - (1) Amendment to the Residency Requirement of the News Media Member of the Sunshine Reform Task Force and Appointment of Bert Robinson to the Sunshine Task Force. (Mayor)
- HEARD BY COUNCIL 6/5/07 – ITEM 3.13**

*(Item continued on the next page)*



### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules and Open Government Committee – May 30, 2007 (Cont'd.)**

**Mayor Reed, Chair**

- (g) Rules Committee Reviews, Recommendations and Approvals
    - (1) Approve Travel Request. (Mayor)  
**HEARD BY COUNCIL 6/19/07 – ITEM 2.24**
    - (2) Historic Freedom Shrine Display. (Mayor)
    - (3) Approve the use of the District 4 Special Event Fund and to acknowledge the receipt of and use of various donations in support of the Community Resource Fair to be held on Sunday, June 3, 2007 in the City Hall Civic Plaza and Rotunda. (Mayor/City Clerk)
  - (h) Review of Council Committee Agendas
    - (1) Community and Economic Development Committee
    - (2) Neighborhood Services and Education Committee
    - (3) Transportation and Environment Committee
    - (4) Public Safety, Finance and Strategic Support Committee
  - (i) Open Government Initiatives
    - (1) Reed Reforms
    - (2) Sunshine Reform Task Force
      - (a) Phase I Report and Open Government Recommendations. (City Manager)
    - (3) Significant Public Records Act Requests
    - (4) Council Policy Manual Update
      - (a) Approval to Validate Selected Policies Contained in the City Council Policy Manual. (City Manager)  
**HEARD BY COUNCIL 6/19/07 – ITEM 2.6 (d) – (f)**
  - (j) Open Forum
  - (k) Adjournment
- (Deferred from 6/19/07 – Item 3.2 and 6/26/07 – Item 3.10)

#### **3.3 Report of the Rules and Open Government Committee – June 6, 2007**

**Mayor Reed, Chair**

- (a) City Council
  - (1) Review New Add Items to June 12, 2007 Final Agenda
  - (2) Review June 19, 2007 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
    - (a) AB 1030 (Caballero) Libraries: Literacy and English Acquisition Services. (Library)  
**HEARD BY COUNCIL 6/12/07 – ITEM 3.7**
    - (b) Propositions 1E and 84. (Environmental Services/City Manager)  
**HEARD BY COUNCIL 6/12/07 – ITEM 3.8**
  - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 Report of the Rules and Open Government Committee – June 6, 2007 (Cont'd.)

##### Mayor Reed, Chair

- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Smoking Prohibition in City Parks. (Cortese/Nguyen)
  - (2) Request for Workload Assessment. (Cortese/Chirco)
  - (3) Authorization to Travel. (Mayor)  
**HEARD BY COUNCIL 6/26/07 – ITEM 2.25**
  - (4) Council Expenditures and Reimbursement Policy. (City Clerk/City Attorney/Finance)  
**Continued from May 23, 2007**  
**Deferred to June 13, 2007 per the Mayor**
- (h) Review of Council Committee Agendas
  - (1) Community and Economic Development Committee
    - (a) Add item to the CEDC Workplan Agenda of June 25, 2007. (City Manager)
  - (2) Neighborhood Services and Education Committee
  - (3) Transportation and Environment Committee
  - (4) Public Safety, Finance and Strategic Support Committee
- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
    - (a) Meeting Schedule for Discussion of SRTF Phase 1 Report. (City Manager)
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
    - (a) Approval to Validate Selected Policies Contained in the City Council Policy Manual. (City Manager)
- (j) Open Forum
- (k) Adjournment  
(Deferred from 6/26/07 – Item 3.1)

#### 3.4 Report of the Rules and Open Government Committee – June 13, 2007

##### Mayor Reed, Chair

- (a) City Council
  - (1) Review New Add Items to June 19, 2007 Final Agenda
  - (2) Review June 26, 2007 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
    - (a) Acceptance of the June 2007 State Legislative Bill Matrix. (City Manager)

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 Report of the Rules and Open Government Committee – June 13, 2007 (Cont'd.) Mayor Reed, Chair

- (c) (2) Federal
  - (a) Legislative Issue – Federal Aviation Administration Reauthorization Bill. (Airport)  
**HEARD BY COUNCIL 6/26/07 – ITEM 2.49**
- (d) Meeting Schedules
  - (1) Approval to set the Annual city of San José and Santa Clara County meeting on August 23, 2007. (City Manager)
  - (2) Approval to schedule special Joint Rules and Open Government Committee and Sunshine Reform Task Force Meeting on June 27, 2007. (City Manager)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Council Expenditures and Reimbursement Policy. (City Clerk/City Attorney/Finance)
  - (2) Discussion of Cost-Neutral Opportunities for a Public Safety Memorial at New City Hall with Direction to Implement Memorial and Process for Accepting Private Sponsorship. (Constant/Pyle)  
**Continued from May 23, 2007**
  - (3) Del Monte Park Master Plan. (Oliverio)
- (h) Review of Council Committee Agendas
  - (1) Community and Economic Development Committee
  - (2) Neighborhood Services and Education Committee
  - (3) Transportation and Environment Committee
  - (4) Public Safety, Finance and Strategic Support Committee
- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
  - (3) Significant Public Records Act Requests
    - (a) Request from Paul J. Manley for information regarding Delinquent Notices/Inspection Practice from Planning, Building and Code Enforcement Department.
  - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

#### 3.5 Report of the Rules and Open Government Committee – June 20, 2007 Mayor Reed, Chair

- (a) City Council
  - (1) Review New Add Items to June 26, 2007 Final Agenda
  - (2) Review July 3, 2007 Draft Agenda  
**None – Meeting Canceled**
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting  
*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 Report of the Rules and Open Government Committee – June 20, 2007 (Cont'd.) Mayor Reed, Chair

- (c) Legislative Update
  - (1) State
    - (a) 2007-2008 State Budget: Proposition 42 Funding and the Public Transportation Account (PTA) Transit “Spillover” Funds. (City Manager)  
**HEARD BY COUNCIL 6/26/07 – ITEM 2.50(a)**
    - (b) SB 1021 (Padilla) Beverage Containers: Grants. (Environmental Services)  
**HEARD BY COUNCIL 6/26/07 – ITEM 2.50(b)**
  - (2) Federal
    - (a) Update on San José Federal Relations Activities. (City Manager)
- (d) Meeting Schedules
  - (1) Rules and Open Government Committee Summer Meeting Schedule. (City Clerk)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
  - (1) Appointments to the following Commissions: 1) Airport Commission; 2) Advisory Commission; 3) Art Commission; 4) Disability Commission; 5) Early Care and Education Commission; 6) Housing and Community Development Advisory Commission; 7) Library Commission; 8) Parks and Recreation Commission; 9) Senior Citizens Commission. (Reed/Campos/Williams/Pyle/Chirco/Nguyen/Constant)  
**HEARD BY COUNCIL 6/26/07 – ITEM 2.51**
  - (2) Re-appointment to the Bay Area Water Supply and Conservation Agency. (Mayor)  
**HEARD BY COUNCIL 6/26/07 – ITEM 2.52**
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Council Expenditures and Reimbursement Policy. (City Clerk/City Attorney/Finance)  
**Continued from June 13, 2007**  
**SEE ITEM 3.8 FOR COUNCIL ACTION TO BE TAKEN**
  - (2) Del Monte Park Master Plan. (Oliverio)  
**Deferred from June 13, 2007**
  - (3) Recent Work and Status of the Parks Maintenance Funding Subcommittee. (Parks Maintenance Funding Subcommittee/Parks and Recreation Commission/Planning Commission)
  - (4) Request for Travel. (Campos)  
**HEARD BY COUNCIL 6/26/07 – ITEM 2.46**
  - (5) Approve the following proposed Committee Workplans:
    - (a) Transportation and Environment Committee
    - (b) Community and Economic Development Committee
    - (c) Public Safety, Finance and Strategic Support Committee
    - (d) Neighborhood Services and Education Committee

*(Item continued on the next page)*

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.5 Report of the Rules and Open Government Committee – June 20, 2007 (Cont'd.) Mayor Reed, Chair**

- (g) (5) (e) Rules and Open Government Committee  
(Mayor/Williams/Pyle/Chirco/Nguyen)
- (6) Code of Conduct for Public Participation. (City Attorney/City Clerk)  
**SEE ITEM 3.9 FOR COUNCIL ACTION TO BE TAKEN**
- (7) Approval of an amendment to Resolution No. 73586 (Rules of Conduct of City Council Meetings) to clarify rules governing authority to enforce disorderly conduct provisions. (Mayor/City Attorney)  
**SEE ITEM 3.10 FOR COUNCIL ACTION TO BE TAKEN**
- (8) Workload assessment on San José Youth Commission. (Parks and Recreation/City Clerk)  
**Continued from June 6, 2007**
- (h) Review of Council Committee Agendas
  - (1) Community and Economic Development Committee
  - (2) Neighborhood Services and Education Committee
  - (3) Transportation and Environment Committee
- (h) (4) Public Safety, Finance and Strategic Support Committee
- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
  - (3) Significant Public Records Act Requests
    - (a) Response from City Attorney regarding request from Paul J. Manley for information regarding Delinquent Notices/Inspection Practice from Planning, Building and Code Enforcement Department. (City Attorney)  
**Continued from June 13, 2007**
  - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

#### **3.6 Joint Meeting of the Rules and Open Government Committee and the Sunshine Reform Task Force – June 27, 2007**

##### **Mayor Reed, Chair**

- (a) Call to Order.
- (b) Overview of the Day/Review Expected Outcomes.
- (c) Discussion and Recommendations on Section 4 – Public Information (resume discussion from 6/6/07 Rules & Open Government Committee meeting).
- (d) Discussion and Recommendation on Section 3 – Closed Session.
- (e) Discussion and Recommendations on Bodies Subject to the Sunshine Ordinance – Policy Body, Ancillary Body, Non-Governmental Body (Section 2 – Public Meetings).
- (f) Public Comments.
- (g) Continuation of Discussion.

\* **RECOMMEND DEFERRAL TO 8/14/07 PER CITY CLERK**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.7 Report of the Public Safety, Finance and Strategic Support Committee – [June 21, 2007](#) Councilmember Nguyen, Chair

- (a) Consent Calendar
    - (1) Quarterly Legislative Update. (City Manager)
  - (b) Decisions on Performance Measurements and Reporting Procedures (Management Partners). (City Manager)
  - (c) Public Safety Quarterly Report. (Police and Fire)
    - (1) Police Department.
    - (2) Fire Department.
      - (a) Hiring Demographics. (Fire)
      - (b) 2006-2007 Preliminary Report on Fire Department Vacancy and Absence Rates and their Impact on Overtime. (Fire)
  - (d) Monthly Financial Report. (Budget)
  - (e) Monthly Financial Reports. (Redevelopment Agency)
    - (1) Financial Statements – April 2007
    - (2) Capital Cost Report – April 2007
    - (3) Cash Flow Projections – April 2007
- TO BE REPORTED OUT AT REDEVELOPMENT AGENCY BOARD MEETING OF 8/14/07**
- (f) Report on Technology and Automation Progress. (City Clerk)
  - (g) Review of Information Technology Report on Citywide Technology Needs and WiFi Status Update. (Information Technology)
  - (h) Review of Allied Waste Expenditures for the Period of April 1, 2006 through March 31, 2007. (Auditor)
  - (i) An Audit of the Bridge Repair Program. (Auditor)
  - (j) An Audit of the Traffic Calming Program. (Auditor)
  - (k) Semi-Annual Recommendation Follow-up Report on all Outstanding Audit Recommendations for the Six Months ended December 31, 2006. (Auditor)
  - (l) Oral Petitions
  - (m) Adjournment

#### 3.8 Adoption of a City Council Expenditure and Reimbursement Policy.

**Recommendation:** Adoption of a resolution approving a City Council Expenditure and Reimbursement Policy. (City Attorney/City Clerk/Finance)

[Rules Committee referral 6/20/07 – Item G(1)]

\* **RECOMMEND DEFERRAL TO 8/14/07 PER CITY CLERK**

#### 3.9 Adoption of a City Council Policy establishing a code of conduct relating to public meetings in the Council Chambers and Committee Rooms.

**Recommendation:** Adoption of a resolution approving a City Council Policy establishing a code of conduct for persons attending, bringing signs or banners to, or participating in public meetings in the Council Chambers and Committee Rooms. (City Attorney/City Clerk)

[Rules Committee referral 6/20/07 – Item G(6)]

**RECOMMEND DEFERRAL TO 8/14/07 PER CITY CLERK**

### 3. STRATEGIC SUPPORT SERVICES

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**3.10 Adoption of a resolution amending the Rules Resolution for the Conduct of City Council Meetings.**

**Recommendation:** Adoption of a resolution amending the Rules Resolution for the Conduct of City Council Meetings to make technical and conforming changes, and superseding Resolution No. 73586. (City Attorney/Mayor)  
[Rules Committee referral 6/20/07 – Item G(7)]

**RECOMMEND DEFERRAL TO 8/14/07 PER CITY CLERK**

**3.11 Presentation, discussion and direction related to the liability for Retiree Healthcare Benefits.**

Attachment

**Recommendation:**

- (a) Acceptance of the report on Retiree Health Care.
- (b) Direct staff to develop options to achieve full pre-funding of the retiree healthcare liability.
- (c) Direct staff to develop options to reduce the retiree healthcare liability.

CEQA: Not a Project. (City Manager's Office)

**TO BE HEARD FIRST UNDER STRATEGIC SUPPORT SERVICES**

**3.12 Approval of actions related to the Sunshine Reform Task Force Phase I Report and Recommendations.**

**Recommendation:** Approval of the Sunshine Reform Task Force Phase I Report and Recommendations for Closed Session and Public Information, as amended by the Rules and Open Government Committee, and direction to staff to proceed with implementation on a pilot basis. CEQA: Not a Project. (City Manager's Office)

\* **NOT TO BE HEARD BEFORE 3:00 P.M.**

**3.13 Public hearing on the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges.**

**Recommendation:** Public hearing on the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges report filed by the Director of Finance with the City Clerk's Office to approve the placement of recommended charges on the 2007-2008 tax roll, with such modifications as Council may make based on public hearing testimony. CEQA: Not a Project. (Finance)

**3.14 Approval to establish a tax levy on all taxable property for general obligation bonds for FY 2007-2008.**

**Recommendation:** Adoption of a resolution establishing the FY 2007-2008 tax levy on all taxable property for general obligation bonded indebtedness. CEQA: Not a Project. (Finance)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 Report of the Community & Economic Development Committee – [June 25, 2007](#) Councilmember Pyle, Chair

- (a) Review of Fall Committee Workplan.
- (b) Review of Performance Measuring Reporting. (Planning, Building and Code Enforcement/Economic Development/Housing/Redevelopment Agency)
- (c) Evaluation of 2nd Unit Pilot Program. (Housing)
- (d) Proposition 1 C Housing and Emergency Shelter Trust Fund. (Housing)
- (e) Affordable Housing Investment Plan. (Housing)
- (f) City Hall Exhibits. (Economic Development)

\* **SEE ITEM 4.5 FOR COUNCIL ACTION TO BE TAKEN**

- (g) Update on Efforts to Stabilize Arts Organizations. (Economic Development)
- (h) Small and Local Business Contracting. (Economic Development/Finance/Public Works)
- (i) Catalyst Program. (Economic Development)
- (j) Arts Stabilization Loan Fund. (Economic Development)
- (k) Oral Petitions
- (l) Adjournment

### 4.2 [Public hearing and adoption of a resolution related to the Sycamore Terrace Project](#)

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**Recommendation:** Public hearing and adoption of a resolution:

- (a) Accepting the summary of costs and findings of the Summary 33433 Report pursuant to Health and Safety Code Section 33433 for the conveyance and disposition of the property located at the Northeast corner of Almaden Expressway and Coleman Road under the terms and conditions of the proposed Disposition and Development Agreement (“DDA”).
- (b) Approving a DDA between the City of San José and Barry Swenson Builder, or its designated affiliate, enabling the development of Sycamore Terrace, a 32-unit for-sale housing development, and authorizing the City Manager or her designee to negotiate, execute, and record all documents reasonably necessary to convey the property as provided in the DDA.
- (c) Approving a funding commitment of up to \$1,600,000 for the project to fund second mortgages for 16 moderate-income homebuyers.

CEQA: Mitigated Negative Declaration, File No. PDC 90-061. Council District 10. (Housing)

### 4.3 [Approval of actions related to the Cinnabar Commons Family Apartments Project.](#)

**Recommendation:** Adoption of a resolution:

- (a) Approving an increase to the City permanent loan to Cinnabar Commons, a California limited partnership, or an affiliated entity (“Sponsor”) for up to \$2,084,521 to fund increased affordability for 39 of the 245 units in the Cinnabar Commons Family Apartments project located on the West side of Stockton Avenue between Cinnabar Street and Lenzen Avenue.

*(Item continued on the next page)*



## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

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### **4.3 Approval of actions related to the Cinnabar Commons Family Apartments Project. (Cont'd.)**

**Recommendation:**

- (b) Approving an exception to the Council Policy on Loan to Value (LTV) ratio allowing up to 119% of the LTV for the Cinnabar Commons Family Apartments Project.

CEQA: Resolution No. 7114. Council District 6. (Housing)

### **4.4 Approval of the Envision 2040 General Plan Update Task Force Membership.**

**Recommendation:** Approval of the Envision San José 2040 General Plan Update Task Force membership. (Mayor/Liccardo)

### **4.5 Approval of the City Hall Exhibits Policy.**

- \* **Recommendation:** Adoption of a resolution approving the City Hall Exhibits Policy.  
CEQA: Not a Project. (Economic Development)  
[Community and Economic Development referral 6/25/07 – Item 4.1(f)]  
**RECOMMENDED DEFERRAL TO 8/14/07 PER ADMINISTRATION**

## **5. NEIGHBORHOOD SERVICES**

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### **5.1 Report of the Neighborhood Services and Education Committee Councilmember Chirco, Chair**

## **6. TRANSPORTATION & AVIATION SERVICES**

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### **6.1 Report of the Transportation and Environment Committee Councilmember Williams, Chair**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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## **8. PUBLIC SAFETY SERVICES**

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

#### 9.1 Approval of actions related to a Property and Business Improvement District in downtown.

##### **Recommendation:**

- (a) Public hearing for the formation of a Property and Business Improvement District (PBID) in Downtown San José and authorize the City Clerk to tabulate the ballots.
- (b) Adoption of a resolution by the City Council casting a ballot in favor of the establishment of a Downtown San José PBID and the imposition of an assessment on City-owned property in the amount of \$283,414 with annual increases over the next four years of up to 5% per year.
- (c) Adoption of a resolution by the Agency Board casting a ballot in favor of the establishment of a Downtown PBID and the imposition of an assessment on Agency-owned property in the amount of \$86,479, with annual increases over the next four years of up to 5% per year.
- (d) If the proposed PBID is approved by property owners, adoption of a resolution by the City Council:
  - (1) Approving the Downtown San José PBID Management Plan/Engineer's Report; and,
  - (2) Approving and imposing the respective assessments.
- (e) If the Downtown San José PBID is approved, then direct staff to return to Council with recommendations on establishing a fund and adopting Appropriation Ordinance and Funding Sources Resolution amendments in the full amount of the assessments.

CEQA: Not a Project. Council District 3. (City Manager's Office/Redevelopment Agency)

#### ● Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9780	East side of North Ninth St., between Taylor & Jackson Streets	3	Standard Pacific Corp.	26 Lots / 20 Units	Single Family Detached	Approve
9892	Northeast corner of Southwest Expwy. & Fruitdale Avenue	6	Fruitdale Associates LLC	1 Lot / 91 Units	Multi-Family Attached	Approve

- Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>
9932	Northwest corner of Lucretia Avenue and Phelan Avenue	7	Freeman Chu	21 Lots / 20 Units	Single Family Detached
9935	East side of De Anza Boulevard, 350 feet north of Sharon Drive	1	David Perng Yu-Sheng Kao	5 Lots / 4 Units	Single Family Detached and Attached
9940	Southwest corner of Capitol Avenue and Mabury Road	4	Pinn Brothers Consturction	1 Lot / 110 Units	Multi- Family Attached

- Open Forum (To be heard no earlier than 3:30 p.m.)
- Adjournment